

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 20, 1999**

**DIVISION ONE**

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J. and S. Beaux,  
Deputy Clerk.

Each of the following:

B121714 People v. Ross  
B121863 People v. Camarena  
B121911 People v. Natividad  
B122964 People v. Palomera (Ranger Ins.)  
B123043 People v. Jordan et al.  
B126328 Zabrinas v. Ong  
B127020 People v. Garcia Jr.  
B127468 People v. Swanigan  
B127781 People v. Mack  
B127876 People v. Ismar G.  
B127896 People v. Acosta  
B127930 People v. Johnson  
B127949 People v. Lee  
B128708 People v. Hoffman  
B128838 People v. Merchant  
B129277 People v. Dickens  
B129531 People v. Perez  
B129642 People v. Chavez, Isidro  
B129912 People v. Cifuentes  
B130045 People v. Ramirez  
B130453 People v. Wright  
B131009 People v. Green  
B131263 People v. Armstrong  
B131936 D.C.F.S. v. Christina B.  
B132275 People v. Brizuela  
B133868 People v. Gray

Argument waived, cause submitted.

DIVISION ONE (Continued)

B118964     People  
              v.  
              Daniels

Merits:  
Argued by Allen G. Weinberg for appellant and no appearance for respondent. Cause submitted.

B132027     People  
              v.  
              Hugo G.

Merits:  
Argued by Allen G. Weinberg for appellant and no appearance for respondent. Cause submitted.

B117300     Harris  
              v.  
              Ingham

Merits:  
Argued by Mark R. Stapke for appellant and by Samuel J. Ingham and Marc Sallus for respondent. Cause submitted.

B125544     People  
              v.  
              Chen et al.

Merits:  
Argued by John Daley for appellant Chen and by Steven E. Mercer, deputy attorney general, for respondent. Appellant Wang waived argument. Cause submitted.

DIVISION ONE (Continued)

B132126     Dwyhalo  
              v.  
              City of Los Angeles

Merits:  
Argued by Michael P. Calof for appellant and by Bruce Monroe, deputy city attorney, for respondents. Cause submitted.

B127925     People  
              v.  
              Jenkins

Merits:  
Argued by Michael J. Wise, deputy attorney general, for respondent and no appearance for appellant. Cause submitted.

B125910     People  
              v.  
              Portillo

Merits:  
Argued by Barbara S. Perry for appellant and by Juliet Swoboda, deputy attorney general, for respondent. Cause submitted.

Ortega, J. leaves the bench.

B126550     People  
              v.  
              Chavez

Merits:  
Argued by Leon K. Ibanez for appellant and by Thomas C. Hsieh, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B123128     People  
              v.  
              Myrick

Merits:

Argued by Susan K. Keiser for appellant and by Deborah J. Chuang, deputy attorney general, for respondent. Cause submitted.

Ortega, J. returns to the bench.

B124003     Zano  
              v.  
              Volvo Cars of North America Inc.

Merits:

Argued by Daniel B. Spitzer for appellant and by Glen A. Stebens for respondent. Cause submitted.

Ortega, J. leaves the bench.

B125780     Wagner Hohns Inglis Inc.  
              v.  
              Carlisle Insurance Co.

Merits:

Argued by Claudia J. Serviss for appellant and by Paul Fife for respondent. Cause submitted.

Ortega, J. returns to the bench.

B127039     People  
              v.  
              Mickey

Merits:

Argued by Philip Deitch for appellant and by John Yang, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B116528     Jayasinghe  
               v.  
               Doctor's Company

Merits:  
Argued by George McDonald for appellant and by Bryan Malone for respondent and by Dennis Lee for respondent. Cause submitted.

B125405     Geo-Energy Partners  
               v.  
               Magma Power Co., et al.

Merits:  
Argued by Steven J. Haber for appellant and by Erik S. Bliss for respondents. Cause submitted.

B134960     Paredes  
               v.  
               Superior Court, Los Angeles County  
               (The People, r.p.i.)

Merits:  
Argued by James H. Barnes for petitioner and by Gordon W. Trask, deputy county counsel, for respondent. Cause submitted.

B123876     Ayoubpour  
               v.  
               J. Robert Scott Inc.

Merits:  
Argued by Joseph Posner for appellant and by Stephanie B. McNutt for respondent. Cause submitted.

DIVISION ONE (Continued)

B127285     People  
              v.  
              Taylor

Merits:  
Argued by Kyle M. Wesendorf for appellant and by Erika D. Jackson,  
deputy attorney general, for respondent. Cause submitted.

B132608     The People  
              v.  
              Superior Court, Los Angeles County  
              (Landau, r.p.i.)

Merits:  
Argued by Brentford J. Ferreira, deputy district attorney, for petitioner and  
by Mark Alan Hart for real party in interest. Cause submitted.

Ortega, J. leaves the bench.

B120913     People  
              v.  
              Nieto et al.

Merits:  
Argued by Carla J. Johnson for appellant Martinez and by David A.  
Wildman, deputy attorney general, for respondent. Appellant Nieto waived  
argument. Cause submitted.

Ortega, J. returns to the bench.

B116381     Nolan  
              v.  
              Elahie

Merits:  
Argued by Kave Elahie, appellant in propria persona, and by Stephen  
Doniger and Thomas B. Ure for respondent. Cause submitted.

DIVISION ONE (Continued)

B129298      Sandhu  
                 v.  
                 Westlake Bay Homeowners Assoc., et al.

Merits:  
Argued by James P. Lingl for appellant and by Harbhajan S. Sandhu for respondent. Cause submitted.

B122888      Acceptance Insurance Co.  
                 v.  
                 Travellers Casualty & Surety Co., et al.

Merits:  
Argued by Thomas E. Muluihill for appellant, by Larry M. Golub for respondent Travellers Casualty and by Jon P. Kardassakis for respondent Valley Forge Ins. Cause submitted.

B124377      Whitney  
                 v.  
                 City of Los Angeles et al.

Merits:  
Argued by Roger Jon Diamond for appellant by Jolaine Harkless for respondent City of Los Angeles and by David Schechet for respondent Botiach. Appellant lodged January 28, 1997, transcript of zoning appeal hearing. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B122607      All Yellow Alliance et al.  
                 v.  
                 Stanman et al.

Merits:  
Argued by Karen A. Clark for appellants, by Bruce A. Wessel for respondent LA Taxi & Mitch Rouse, by Philip Dapeer for respondent Stanman, by Steven C. Kirby for respondent Anything Yellow and by Alan Schultz, respondent in propria persona. Cause submitted.

## DIVISION ONE (Continued)

Court adjourned.

B134673 Louis F. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department Of Children And Family Services, r.p.i.)

We deny the petition.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Masterson, J.

DIVISION TWO

B129368 People (Not for Publication)  
v.  
Joshua David A.

The order under review is affirmed.

Mallano, J. (Assigned)

We concur:   Nott, Acting P.J.  
                      Cooper, J.

B124459 People (Not for Publication)  
v.  
Hall

The Court:

The judgment against Bobby Hall is affirmed.

Boren, P.J., Cooper, J., Mallano, J. (Assigned)



DIVISION THREE

B131807      People                                  (Not for Publication)  
v.  
Arturo Chacon

The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment which deletes reference to the firearm use enhancement under Penal Code section 12022.53, subdivision (d).

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

## DIVISION FOUR

[illegible]

The judgment is modified to reflect the imposition of a \$200 state and a \$140 county penalty assessments, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to recite these modifications.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B131015 People (Not for Publication)  
v.  
Neal

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION SIX

B129237      People                      (Not for Publication)  
                 v.  
                 McBee

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                 Yegan, J.

DIVISION SEVEN

B126937      Duenas et al.                      (Not for Publication)  
                 v.  
                 Guagenti

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. Appellants to recover their costs of appeal.

Johnson, J.

I concur:        Lillie, P.J.  
I dissent:        Woods, J. (Opinion)

B128746      Barahona et al.                      (Not for Publication)  
                 v.  
                 Granite Management Corporation

The judgment is reversed. Appellants are awarded their costs of appeal.

Johnson, J.

We concur:    Lillie, P.J.  
                 Neal, J.

## DIVISION SEVEN (Continued)

B122337      Bashkin      (Not for Publication)  
v.  
McCashin II

The order of May 13, 1997, is reversed and the cause remanded to the trial court to enter a new order denying the motions but granting mandatory discovery sanctions under Code of Civil Procedure section 2033, subdivision (k) in an appropriate amount for respondent McCashin's failure to file a timely response. The portion of the June 24, 1997, order imposing sanctions pursuant to section 128.5 is reversed. In all other respects the judgment is affirmed. The parties to bear their own costs of appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B126932      Calloway      (Not for Publication)  
v.  
Calloway Entertainment et al.

The judgment dismissing the complaint as to defendants Calloway Entertainment, Inc., Sawmill Entertainment Corporation, Ron Rainey Management, is remanded to the trial court with directions to deny defendants' motion for summary judgment, to grant summary adjudication in favor of defendants on the first, sixth and ninth causes of action and to deny summary adjudication as to the remaining causes of action. Each party to bear its own costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.